?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
%DATED: 11.06.2018
*CORAM
THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
+W.P.(MD).No.10483 of 2018
and
W.M.P.(MD).Nos.9574 and 9575 of 2018

#1.S.Gnanamani
2.S.Sumathi
3.P.Balamurugan
4.P.Panjavarnam
5.P.Manikandan
6.B.Vijayalakshmi
7.R.Senthivel
: Petitioners

Vs.

$1.State of Tamil Nadu,
Represented by its Principal Secretary,
School Education Department,
Secretariat, Fort St. George, Chennai~600 009.

2.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road, Chennai~600 006.

3.The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai~600 006.

4.The Director of School Education,
Office of the Director of School Education,
DPI Campus, College Road,
Chennai~600 006.
: Respondents

PRAYER : Writ Petition is filed under Article 226 of the constitution of India praying to issue a Writ of Mandamus directing the respondents to invite the petitioners under PSTM (Persons Studied in Tamil Medium) Category for the Certificate Verification in respect of the Direct Recruitment of Special Teachers (Drawing) in School Education and other Departments for the years 2012 to 2016 within the time period stipulated by this Court.

!For Petitioners : Mr.T.Aswin Rajasimman
^For Respondents 1&4 : Mrs.S.Srimathy
Special Government Pleader

For Respondents 2&3 : Mr.VR.Shanmuganathan
Standing Counsel

:ORDER

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus directing the respondents to invite the petitioners under PSTM (Persons Studied in Tamil Medium) Category for the Certificate Verification in respect of the Direct Recruitment of Special Teachers (Drawing) in School Education and other Departments for the years 2012 to 2016 within the time period stipulated by this Court.

2. Heard Mr.T.Aswin Rajasimman, learned counsel appearing for the petitioners, Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents 1 and 4 and Mr.VR.Shanmuganathan, learned Standing Counsel appearing for the respondents 2 and 3.

3. These petitioners, claiming that they had acquired qualification for appointment to the post of Special Teachers (Drawing), applied to the Teachers Recruitment Board, the respondents 2 and 3 herein, pursuant to the notification issued by the Teachers Recruitment Board, dated 23.09.2017.

4. The petitioners also claimed that all these petitioners have completed their study in Tamil Madium and accordingly, in the online application, they filled up stating that they have completed SSLC and HSC equivalent through the Medium of instructions in Tamil.

5. Pursuant to the calling of applications, the first stage of selection process i.e., conducting of written examination was completed on 23.09.2017. Thereafter, no further communication has been received by these petitioners.

6. It is only in those circumstances, the petitioners apprehend that since all these petitioners claimed priority on the basis of Tamil Medium studied candidates, for whom horizontal reservation has been provided for through the notification issued by the Teachers Recruitment Board, for the present recruitment, as these petitioners have not been called for any certificate verification so far, which is the second stage of selection process, these petitioners joined together and filed this Writ Petition with the aforesaid prayer.

7. The learned counsel appearing for the petitioners would submit that even though these petitioners are Tamil Medium students, for whom a specific horizontal reservation has been provided to the extent of 20%, as per the notification of the Teachers Recruitment Board, these petitioners apprehended that the Teachers Recruitment Board may not call for them along with other eligible candidates for certificate verification under 20% special quota for Tamil Medium students, because, as per the notification, at the time of certificate verification alone, candidates would be permitted to produce certificates obtained in form No~II/annexure~II and since that stage would

come only as a last process, the Teachers Recruitment Board may not have any materials to shortlist the candidates based on the marks obtained by them in the written examination to be called for certificate verification under 20% special quota for Tamil Medium students. Therefore, only in that context, even though a representation was given by the petitioners on 23.04.2018, since no orders have been passed and no communication has been received from the Teachers Recruitment Board, the petitioners are before this Court with the present Writ Petition for the relief stated supra.

8. On the other hand, Mr.VR.Shunmuganathan, learned Standing Counsel appearing for the Teachers Recruitment Board has produced the following written instructions dated 08.06.2018, issued by the Member (School Education), Teachers Recruitment Board, Chennai~6. For the sake of easy reference, the said instruction is extracted hereunder:~

? One Thiru S.Gnanamani and 6 others filed writ petition before Hon-ble Madurai Bench of Madras High Court to direct the respondents to call the petitioner for certificate verification under persons studied under Tamil Medium category for the post of Drawing Teachers in the recruitment of Special Teachers 2012 to 2016.

It is stated that pursuant to G.O.Ms.NO.185 School Education department dated: 17.11.2014 the Board issued notification calling for applications for the post of Special Teachers as per Advertisement No.05/2017 dated 26.07.2017.

The Board conducted the written examination on 23.09.2017. The Board published the tentative key and received objections from the candidates. Based on the objections the Board would publish the final key and the results after scrutiny.

The Board is yet to publish the result and only after publishing the result the Board would arrive at final merit list after completing certificate verification.

The Board would call the candidates under the priority of Persons Studied under Tamil Medium category who have opted in the on line application and subject to verification of the relevant certificate the Board would consider the eligible candidates under Persons Studied under Tamil Medium category on merits.?

9. By relying upon the said instructions, the learned Standing Counsel for the Teachers Recruitment Board would submit that the Teachers Recruitment Board completed the written examination on 23.09.2017 and thereafter, it published the tentative key and received objection from the candidates. Thereafter, after considering the same, the final list is yet to be published and after publishing the final list only, the candidates would be called for certificate verification and at that time, definitely, on the basis of shortlisting of candidates, including the candidates, who studied in Tamil Medium for the purpose of said reservation of 20% special quota for Tamil Medium students, the eligible candidates would be called for certificate verification, where if the petitioners come within the zone of consideration, they will certainly be called for such certificate verification.

10. I have gone through the said instructions given by the Teachers Recruitment Board and have considered the said submissions made by the

learned counsel on either side.

11. In view of the above instructions now given by the Teachers Recruitment Board, the apprehension lingering in the mind of the petitioners are erased, as certainly, the Tamil category students would be shortlisted, based on the performance and the marks obtained in the written examination conducted on 23.09.2017 and accordingly, the candidates would be shortlisted under 20% special reservation for Tamil Medium students and on such shortlisting process, if the petitioners come within the zone of consideration, based on their marks to be obtained in the written examination, certainly, the candidature of the petitioners would also be considered and called for certificate verification.

12. Thus, the apprehension raised by the petitioners based on the present context is no more available and therefore, this Writ Petition can be disposed of, by recording the said written instructions given by the Teachers Recruitment Board, as well as the submissions made by the learned Standing Counsel appearing for the respondents 2 and 3.

13. In view of the above, this Writ Petition is disposed of by taking on record the said written instructions given by the Teachers Recruitment Board on 08.06.2018, as has been extracted above. No costs. Consequently, connected Miscellaneous Petitions are closed.

To

1.The Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai~600 009.

2.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai~600 006.

3.The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
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Office of the Director of School Education,
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